
WHAT'S LEFT AFTER CRIME?

Hope!!

Hope for a better tomorrow, free from the burden of pain and fear...

It is our sincerest desire that through this handbook you will catch a glimmer of hope for yourself, your family and others who care about you. If that can happen, our efforts in creating it will be realized.

The Alabama Crime Victims' Compensation Commission



Initially published in 1991, this publication has been highly received by victims and advocates alike. The ACVCC is pleased to offer this revised, 2011 edition.

DEDICATION

This handbook is written for and dedicated to victims of crime – those who have been devastated by the criminal acts of another person. It is with great sensitivity that these pages are written. The thoughts, recommendations, and sources of information are shared with great care because each victim of crime is an individual with different and special needs.

In this handbook you will read about common reactions and emotions experienced by crime victims. We are not suggesting that every crime victim has the same feelings. However, we realize the feelings you do have are very real, debilitating, and very normal. The coping skills you develop as time progresses will help you handle these feelings.

Our desire is that you will learn to cope with your victimization, and in doing so, realize "Yes, I am a victim of crime, but I can become a SURVIVOR."



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CRIME and its AFTERMATH

You are not alone in your victimization. Your feelings are normal and, although personally unique, are similar to the feelings experienced by other victims of crime.

EMOTIONAL REACTIONS

Introduction

Violent crime is widespread in our society. However, most people never consider the possibility of violent crime victimization until it happens to them. When it does happen to you, you can expect to experience a dramatic change in your life, mixed with traumatic reactions.

The effect your victimization has on you depends on several factors:

- ◆ The type of crime;
- ◆ The type of injury;
- ◆ Your relationship to the assailant;
- ◆ The duration of the assault;
- ◆ Your age;
- ◆ Your ability to cope with stress;
- ◆ Your support system.

This section was included to let you know you are not alone in your victimization, and to provide information that offers support and assistance. Your feelings are normal, and although personally unique, are similar to other victims of crime. More now than ever before, there is help available to victims of violent crime.

As we write this handbook, we are acutely aware that the impact of crime upon its victims may leave them with the inability to concentrate on this material. If you feel you are not ready to read this, but need to talk to someone, please refer to the back pages of this handbook for the contact information of agencies that can offer you understanding and support.

As stated earlier, individuals react to crime and victimization in many different ways. This handbook attempts to list different types of victimization and common reactions to situations. The Alabama Crime Victims Compensation Commission (ACVCC) staff does this with great care, because we would never attempt to tell a victim how he/she should feel. However, our experience suggests these reactions are common to many victims, in varying degrees.

Homicide

In 2006, someone was murdered every 30.9 minutes in the United States. That equates to nearly fifty people every day. What a staggering figure this becomes when you stop to realize the ripple effect it has on the family and friends of the victim! We call these family members and friends Homicide Survivors.

When someone you love is murdered, the grief and heartache ordinarily associated with death is greatly intensified. Your emotions are thrown into a tailspin.

Common reactions shared by many victims are:

- ◆ Shock/disbelief;
- ◆ Anger/outrage;
- ◆ Sleeplessness or constant sleep;
- ◆ Helplessness/hopelessness;
- ◆ Intense heartache/sadness;
- ◆ Anxiety/fear/depression;
- ◆ Thoughts of suicide;
- ◆ Loss of appetite or overeating;
- ◆ Flashbacks/mood swings/nightmares;
- ◆ Guilt/shame;
- ◆ Fantasies of revenge.

You may also feel isolated from your family and friends, thinking that no one understands or cares about you. You may even find your family and friends shunning or ignoring you. Usually the need to ventilate or talk over and over again about what happened is very strong. This need to talk may make family members and friends feel uncomfortable and cause them to distance themselves from you. They want to help, but do not know what to say or do. Some may want to discuss the events with you, but will not for fear of upsetting you and reminding you of your loss. They do not realize that the incident is constantly on your mind and that you need to talk to someone. You may find yourself acquiring a new set of friends and relationships.

You may blame others or even yourself for the loss of your loved one, as an attempt to make sense of the tragedy and regain a sense of control in your life. You may even have deep religious questions such as: "How could a loving God allow this to happen to me?"

"What have I done to deserve this?" You may find yourself uncontrollably reliving the horrible details of the crime and needing to talk about the details repeatedly.

As a victim, you are all too aware that society can be cruel. Due to a lack of understanding, people may say inappropriate things to you. These words tend to victimize you further. Implications that the victim was the cause of his/her death through his/her own behavior are devastating to the survivors. Equally offensive remarks such as "It's time you got over this.", "Put it behind you.", "It was God's will.", or "Forgive the offender." can further extend the grieving process.

Added pressures are caused by well-intended friends with such remarks as "If that had been my family, I would have..." These remarks are not meant to hurt or offend you, and certainly are not said to make you feel as if you should act on them. Remember people feel awkward and unsure about what to say to you. They are probably trying very hard to comfort you.

The emotions you feel may not be the same as other members of your family. Perhaps this is why it is especially hard on parents of a murdered child. While one parent may be angry, the other parent may feel totally helpless. Consequently, this may render the parents unable to help each other.

Your life has changed. Something terrible and senseless has happened to you, and your life may never be the same again. Although there are no time schedules on how long victims will feel "out of control" or as if they are "losing their minds," it will get better. You should know that these emotions are normal. Surviving a homicide may be the most traumatic experience of your life. Your grief must not be suppressed. To do so only delays the healing process and can lead to deep depression as well as physical illness.

If you are unable to cope, or even if you feel you are coping as well as can be expected, you may want to talk to a counselor. Counseling can be extremely helpful at this time. If you need help in choosing a counselor, contact your family doctor for a referral. Your victim service officer in your local district attorney's office may also offer assistance. Getting involved with a local support group is another way to begin to feel better. You may simply need to hear someone tell you your feelings are normal and you are not alone.

The violent death of a loved one is traumatic in and of itself. However, the experience of going through the court process, labeled by some as the "second injury", can cause the survivor additional distress and delays the healing process. All too soon you will learn that

the crime was only the first in a series of victimizations. The law offers the most and greatest protections to the criminals. Fortunately, due to the tireless efforts of dedicated victims and advocates, victims in Alabama also have rights. Significant progress for victims in the criminal justice system has been made in the past thirty years. However, you may still be hurt by the insensitivities of others. The support of a compassionate and experienced victim advocate can be very helpful during this time.

Regardless of what happens to the offender, you may not feel satisfied. Sometimes it seems that it is you, the victim, who will serve a life sentence. You have experienced an ordeal which has changed your life. Your fears have been intensified and your faith in mankind shattered. You may not believe it now, but in time your pain will subside. It will not go away, but it will become endurable. You will cherish good memories of your loved one.

It is our sincerest desire that your case will be speedily resolved in court, and your fears will be lessened. As you rebuild your life, we strongly urge you to reach out to other victims. You will find an immediate bond of understanding. Helping another victim may give you a sense that "My loved one did not die in vain."

The following information can help you with dealing with the loss of a loved one. It is from the booklet, *Dealing with the Death of a Loved One*, and is reprinted here with the kind permission of the Victim Assistance Unit of the Denver Police Department.

- ◆ Take care of yourself. Don't expect too much. Take some time to let your body and emotions rest. Take care not to overextend yourself.
- ◆ Eat a balanced diet;
- ◆ Stay away from alcohol and tranquilizers – they will only delay the healing process;
- ◆ Give yourself permission to pamper yourself or to be pampered;
- ◆ Take baths, walk in the park, read a book, get a massage, listen to music, and/or go to a movie. Do whatever makes you feel better.

Your mind may wander, making it difficult to read, write, or make decisions. Sleep can be difficult, leaving you tired and less able to deal with everyday matters. Your eating habits may change. You may also be more susceptible to minor aches and illnesses. You may have an irresistible urge to get away, a fear or dread of being alone, or a heightened fear of danger. Remember that any or all of these feelings/reactions are normal and that they will not last forever. These stages can be experienced in any order, and also over and over again. Most individuals will move beyond this stage of anger and depression into the

acceptance or recovery stage with time. This does not mean that you will forget your loved one or that the pain disappears completely. But you do slowly heal and start to break the strong emotional ties with the past and focus on the present and future. You become aware of sources of strength within yourself and decide to carry on with your life.

Sexual Assault

In 2006, there was a forcible rape every 5.7 minutes in the United States. Rape is a violent and vicious crime of dominance and aggression directed against women, men, and children. A sexual attack is an invasion of the personal self and a terrifying experience for its victim. It is the most unreported criminal offense in the United States and is a crime that can happen to anybody, anytime, anywhere.

Rape has an intense emotional impact upon victims, family members, and friends. While any form of victimization is stressful, rape takes a particularly devastating toll on its victims long after physical injuries have healed. Reactions you may experience immediately following the rape are:

- ◆ Shock;
- ◆ Disbelief;
- ◆ Fear;
- ◆ Outrage.

Some victims exhibit little visible reaction because the need to cope may be strong. Their outward appearance does not reflect the inner turmoil they may be feeling.

Many victims speak of loss of appetite or overeating, sleeplessness or sleeping constantly, irritability, and extreme nervousness. Denial or self-blame ("It must have been my fault."), fear, shame, humiliation, guilt, and revenge are common feelings. You may experience extreme mood swings. Nightmares and flashbacks are experienced by some victims. Difficulty in resuming daily tasks or duties is common. You may feel the need to move to a new location or change jobs.

You have experienced a terribly invasive and frightening crime, and you are probably wondering "Will life ever be the same again?" The answer is yes. You will get better in time. Recovery is possible and starts with knowing the rape was not your fault. Recovery continues as you gradually begin taking control of your life. Having a caring and understanding support system around you will also help you cope. Having someone to listen to you without judging your decisions is also important and helpful.

In addition to a support system, counseling is also vital to the recovery process. Rape is beyond the normal range of life experience and most victims are not prepared to cope with the overwhelming trauma of being raped. We urge you to seek counseling that can help you learn to cope with your victimization. Help is available and there are caring people who can provide it. Most rape crisis centers offer help free of charge or on a sliding fee scale, which is adjusted based upon your ability to pay. Your local county mental health office also offers counseling on a sliding fee scale. The Alabama Crime Victims Compensation Commission may also be able to assist you with counseling expenses.

As of July 1995, the law governing the Alabama Crime Victims Compensation Commission was amended to allow the Commission to pay for the costs of medical examinations performed for the purpose of gathering evidence and treatment for preventing venereal disease in sexual abuse crime and offenses. This means that medical facilities should bill the Commission directly for these expenses. Hopefully, this measure will spare the victim additional trauma.

Searching for reasons for tragic and painful events is a natural reaction. You did not ask to be raped; you were not a willing partner in the rape. Someone else made that decision for you and turned your life upside down. Both counseling and time will help resolve your search for answers and help you resume your day to day living.

You will not be the same person. You will be changed. The change you experience will be painful, but as a result you will become stronger. The help you receive through counseling and supportive family, friends, and advocates will let you know you are not alone and that you will get better. That is hope!

Although it is not our intention to tell victims what to feel, or to minimize their violent attack, we would like to say a few words about those close to you. They may be experiencing some of the same feelings as you, because of their love and concern for you. Parents, siblings, and partners may be overprotective of you out of their own fear. They may feel guilt and the need for revenge. Sometimes, they even exhibit some of the physical symptoms of the victim.

After victimization, family members' and friends' love and concern is often shown by a great need to help you. This along with the stress you are already experiencing may strain your relationship with them. Personal and intimate relationships may be destroyed if partners fail to recognize victims' emotional and psychological needs. Although rape is an assault against you, others around you are deeply affected by the crime. Be as patient with each other as possible. Together, you can weather the ordeal.

To help take back control of your life, we offer the following safety tips. These tips are not suggestions that you did something wrong to cause the crime, but are precautionary measures to help you regain stability and security in your surroundings.

- ◆ Install deadbolt locks on all outside doors and windows;
- ◆ Never hide a key over a door or in a flower pot;
- ◆ Do not put your name on the mailbox;
- ◆ Always lock your car doors, even while driving;
- ◆ Look in the back car seat and under the car before entering the vehicle;
- ◆ Have your car keys or door keys in your hand before exiting or entering;
- ◆ If you suspect someone is following you, call attention to yourself by blowing your horn, and/or flashing your lights, and drive to the nearest well-lighted, public, safe place where you can seek help;
- ◆ Do not stop to help a stranded motorist. Call the police instead;
- ◆ Listen to your intuition (gut feeling). Do not be afraid you will appear foolish or rude. It is better to appear foolish or rude than to be harmed.

Child Abuse

Child sexual, emotional, and physical abuse are very difficult crimes to understand. Children are often threatened with more harm to them or loved ones if they tell of the abuse. The fear that offenders instill in these most helpless of victims can lead to victimization over a prolonged period of time.

In 2005, approximately 3.6 million cases of child abuse were reported to child protective services agencies in the United States. Even though these figures are astonishingly high, we know there are many cases of child abuse that go unreported while untold numbers of children suffer silently. Child abuse is an urgent problem, as shown through the overwhelming number of cases that are reported.

Child abuse may take several forms: emotional, physical, and/or sexual. Indications of possible child abuse are listed below.

Emotional Abuse

Your child may be the victim of emotional abuse, which can involve name-calling, insults, and put-downs. The abuse is not always verbal, however. It may occur in the form of terrorization, isolation, humiliation, rejection, corruption, or simply by ignoring a child.

An emotionally abused child may show:

- ◆ Habit disorders (sucking, rocking, beating);
- ◆ Conduct disorders (anti-social, destructive behavior, etc.);
- ◆ Sleep disorders, speech disorders, etc.;
- ◆ Hysteria, obsession, phobias, etc.;
- ◆ Behavior extremes;
- ◆ Developmental lags;
- ◆ Suicide attempts.

Emotional abuse is more difficult to detect than other forms of abuse but its effects are just as long-lasting and damaging to a child as other forms of abuse.

Physical Abuse

A physically abused child may have:

- ◆ Unexplained bruises, welts, burns, cuts, or bite marks;
- ◆ Broken bones;
- ◆ Swollen arms;
- ◆ Missing hair;
- ◆ Frequent injuries.
- ◆ A physically abused child may be:
- ◆ Cautious of contact with adults;
- ◆ Unusually shy, withdrawn, or passive;
- ◆ Unusually nervous, hyperactive, aggressive, disruptive, or destructive;
- ◆ Apprehensive when other children cry;
- ◆ Frightened of parents;
- ◆ Afraid to go home;
- ◆ Dressed to hide injuries (long sleeves in hot weather, etc.).

Sexual Abuse

Sexual abuse may be categorized as: non-touching (obscene language, pornography, exposure), or touching (fondling, molesting, oral sex, intercourse). Indications of sexual abuse are:

- ◆ Torn, stained underclothing;
- ◆ Difficulty walking or sitting;
- ◆ Pain, swelling, or itching in the genital area;
- ◆ Bruises or bleeding in genital area;
- ◆ Venereal disease.

A sexually abused child may:

- ◆ Withdraw from others;
- ◆ Exhibit fantasy or baby-like behavior;
- ◆ Show changes in sleep patterns (frequent nightmares, etc.);
- ◆ Fear being alone with a certain parent or person;
- ◆ Exhibit inappropriate sexual activity with other children;
- ◆ Use sexually explicit body language or body motions;
- ◆ Have sexual knowledge beyond age level;
- ◆ Be unwilling to change clothes in front of anyone;
- ◆ May show a drop in grades at school.

If you suspect that your child has been sexually abused:

- ◆ Believe what your child tells you;
- ◆ Tell the child that you are glad he/she told you. Let the child know that you are always there to talk;
- ◆ STAY CALM. Do not get angry. Be reassuring;
- ◆ Tell the child that it is not his/her fault;
- ◆ Contact your local law enforcement agency immediately;
- ◆ If the incident has just occurred, do not allow the child to change clothes, bathe or use the bathroom;
- ◆ Try to maintain the child's normal routine. Children need stability.

If your child is the victim of abuse and the offender is a family member or a trusted adult, you may need to be convinced that this trauma has really happened. Often such feelings as "How could I not know?" or "What could I have done to prevent this?" flood your thoughts. Remember that you are not to blame.

As a caregiver, you may have some of the same feelings as the child. You may suppress your own feelings because of your child's needs. Do not try to handle these problems alone. It is simply too overwhelming. Many communities have special centers created for children who have been victims of abuse. The professionals in these centers can provide assistance and advice regarding where to go for counseling for you, your child, and other family members.

Do not be afraid or embarrassed to seek help. The problem will not go away by itself. In fact, the long-term effects of abuse may not be realized until years later. Children are rarely able to help themselves. Professionals have experience in helping you cope with your own feelings, as well as advise you on how to help your child work through the trauma. Remember that you are not alone.

After the abuse has been reported to law enforcement, you will be contacted by several agencies. You may be contacted by a worker with the Department of Human Resources, the police or sheriff's office, and/or the district attorney's office. They are all professionals who have been trained to help you and your child know what to expect of the court system. Ask them questions and expect answers. Taking notes detailing to whom you spoke and when you spoke to them is a good idea.

Often children have been threatened or told that other members of their family will be hurt if they tell anyone else about the abuse. Your child needs your strength and the safety you provide. If you need help relating to your child, calling the state office of the Department of Human Resources, Child Protective Services division at 334-242-9500 may provide some useful tips on talking to your child.

The Alabama Crime Victims Compensation Commission may be able to assist with some of the expenses you incur as a result of victimization. Please do not hesitate to contact us at 800-541-9388 or in the Montgomery area at 334-290-4420. Helpful information is also available at our website, www.acvcc.alabama.gov.

Domestic Violence

Domestic violence is often considered to be the most hidden crime in the United States. In fact, between two to four million American women are beaten by their partners each year. It affects people of all ages, races, and economic levels. One-third of American women who are victims of homicide are killed by their partners.

Historically, domestic violence has been treated with indifference. Fortunately, changes in attitudes and laws have resulted in these crimes being taken seriously by law enforcement and society. Early intervention by law enforcement has saved many lives.

Physical violence takes many forms and includes: **hitting, slapping, kicking, grabbing, shoving, pushing, choking, hitting with weapons or objects, shooting, stabbing, and damage to property or pets.** It may include sexual violence when physical force, or fear of force, is used to make someone perform a sexual act against his/her will. A victim may accept responsibility for the actions of the batterer by concluding "It must be my fault." or "I can change so he/she won't be angry." These feelings often prevent the victim from taking action, leaving them to suffer in silence. In truth, the violence is the responsibility of the batterer.

Most victims are afraid to tell anyone, fearing that no one will understand. They may also be embarrassed that a loved one abuses them. They fear the batterer will follow through with threats to kill them or take the children away. These threats are real, and the victim knows the batterer is capable of following through with them. The fear of the unknown also affects a victim's decision to leave, locking him/her into a miserable existence. Oftentimes, a domestic violence victim has been kept at home, has no job skills, and is financially dependent on the batterer.

The period of time following an assault is part of the cycle of violence called the honeymoon period. The batterer apologizes and seems truly remorseful for his/her actions. The victim hopes the assaults have stopped for good. Unfortunately, without intervention, they are likely to continue. Whether to stay or leave is an agonizing decision. "What will happen to him/her?" and "How can I find somewhere safe to live?" and "How do I start over?" are burning questions. Fortunately, the Alabama Crime Victims Compensation Commission is available to financially assist victims of domestic violence faced with these difficult decisions.

Legal action in cases of domestic violence may appear intimidating to a victim. However, law enforcement, through new information, training, and awareness has become sensitive to the particular issues victims of domestic violence face. Alabama has a law called the Law Enforcement Protection Act of 1989 which defines how law enforcement may make arrests in cases involving domestic violence. An investigating officer is required to file a report regardless of whether an arrest is made. The batterer may be arrested later, and the victim required to appear in court to tell about the abuse. The Alabama Crime Victims Compensation Commission may be able to help the victim of domestic violence

with moving expenses and “getting back on his/her feet.” Also, the district attorney's office or local shelter can offer help and support throughout the legal process.

Most states have domestic abuse shelters where you can retreat to safety. Professional counselors at the shelters care about you, and can help you understand the cycle of abuse. They can also help you realize that without outside help, the abuser will continue to abuse. The shelter staff can assist you in developing a plan of action and inform you of any alternatives you may have. Many Alabama shelters have counseling services available with twenty-four hour crisis lines to assist you any time of day or night.

Understanding domestic violence can give you power to make life better for yourself and your loved ones. No one deserves to be beaten. If you are a victim of domestic violence, there are things you can do to help yourself: contact law enforcement to arrest and remove the offender; follow through with prosecuting the offender; seek assistance from the Alabama Crime Victims Compensation Commission and your local domestic violence shelter. Help is available, and there are people who care. We urge you to seek out those who can help you.

Assault

An attack by one person against another for the purpose of causing bodily injury is called assault. In many cases of assault, the victim knows the offender. The assault may be a reaction to an argument, or a longstanding feud. Assault can also occur during a robbery or burglary when the offender is not known to the victim.

Assault can cause serious physical and psychological damage, resulting in a significant change in lifestyle. Some victims have severe physical and emotional side-effects for many months, and may be afraid to go outside alone, or to stay alone in their own home. Assault victims attacked by a stranger may become suspicious of everyone. Embarrassment and fear of reprisal are common reactions among victims of assault. The pain of the attack may cause lost time from work and leave the victim in financial trouble. Some victims have the additional burden of relocating in order to feel safe again.

Well-intentioned friends and acquaintances want very much to help you. They may make frustrating remarks such as "You are so lucky to be alive!" Although you know this is true, the inner turmoil and financial burdens you are experiencing make you want to say "I don't feel very lucky!" Be patient, know that these hurtful words are usually said because someone cares about you. Your well-intentioned family member or friend did not intend to cause you frustration. Do not be afraid to express your anger and fear. The expression will help you work through your inner feelings.

As a victim of an assault, filing a claim with the Alabama Crime Victims Compensation Commission may provide some relief from the financial hardships caused by your victimization. You should also tell the prosecutor for your case that you want restitution from your offender. Restitution is money the court orders the offender to pay you for your financial losses.



AUTOBIOGRAPHY IN FIVE SHORT CHAPTERS

CHAPTER ONE

I walk down the street.
 There is a deep hole in the sidewalk.
 I fall in.
 I am lost . . . I am helpless.
 It isn't my fault.
It takes forever to find a way out.

CHAPTER TWO

I walk down the same street.
 There is a deep hole in the sidewalk.
 I pretend I don't see it.
 I fall in again.
I can't believe I am in this same place.
 But, it isn't my fault.
It still takes a long time to get out.

CHAPTER THREE

I walk down the same street.
 There is a deep hole in the sidewalk.
 I see it is there.
 I still fall in . . . It's a habit . . . but,
 my eyes are open.
 I know where I am.
It is my fault.
I get out immediately.

CHAPTER FOUR

I walk down the same street.
 There is a deep hole in the sidewalk.
 I walk around it.

CHAPTER FIVE

I walk down another street.

From the book

There's A Hole In My Sidewalk by Portia Nelson



Robbery

Robbery is defined as a completed or attempted theft directly from a person of property or cash, by force or threat of force, with or without a weapon. Robbery differs from burglary in that robbery involves a direct confrontation of the victim by another person with threat to do bodily harm.

The confrontation by another person, perhaps one who has a weapon, is very frightening, and that fear can stay with you over time. You may fear leaving the house alone and feel frustrated at the loss of personal items and money. You may also feel intimidated and personally violated.

Robbery victims report such symptoms as sleeplessness, depression, flashbacks, and listlessness. You may feel that no one thinks your victimization is important, or that it is a minor incident, but you know the seriousness of the crime. You know how afraid you were. Robbery has a serious impact upon its victims, and can leave them with serious emotional scars.

Although we all agree that your property should not be stolen from you, and that you should not have to endure the fear of being confronted by a threatening person, we realize it does happen and you are not alone. You will have to work hard to replace your negative, depressed thoughts with positive thoughts. Remember, most of your property can be replaced, and you are safe.

If items such as your credit cards, checks, photo identification, and/or social security number are taken in the robbery, you should take the following steps to help protect you against identity theft:

- ◆ Cancel your credit, debit, and ATM cards immediately;
- ◆ Get new cards with new account numbers;
- ◆ Call the fraud departments of the major credit-reporting bureaus: Equifax - 800-525-6285; Experian - 888-397-3742; TransUnion - 800-680-7289;
- ◆ Contact the Federal Trade Commission at 877-438-4338;
- ◆ Ask each credit-reporting bureau to put out a fraud alert on your accounts;
- ◆ Report the loss to the fraud department at your bank;
- ◆ Review your credit reports regularly and have them corrected when necessary. You may order your credit report online at annualcreditreport.com, or by calling 877-322-8228;

- ◆ Report a missing driver's license to the Alabama Department of Public Safety by calling 334-242-4400;
- ◆ If your keys are missing change the locks on your home and car.

Burglary

Burglary, on the other hand, is unlawful entry into a structure to commit a felony or theft. It includes forcible entry, unlawful entry, and attempted forcible entry. Household burglary ranks among the more serious felony crimes not only because it involves the illegal entry of one's home, but also because many violent crimes take place during burglaries. Burglary has the potential for far more serious crime than its classification as a property offense indicates. The trauma of personal confrontation with the offender may produce long lasting emotional scars.

Some normal reactions of burglary victims are **fear of staying home**, ("They might return."); **fear of leaving home**, ("If I stay here maybe I can prevent..."); **guilt**, ("I should have..."); **violation**, ("If my home can be burglarized, where can I be safe?"); **sorrow over the loss of sentimental items; and disgust over destruction of property**.

Perhaps the most overwhelming of these feelings is violation. The thought that someone came into your home and went through your personal items can be very distressing and create a crushing feeling of intrusion. These feelings can last over a period of time.

You are most likely thinking that you worked hard for what you have and that no one has the right to come into your home and steal it. Of course, you are right. No one should take what rightfully belongs to someone else. Perhaps your property has not been returned and the police do not give you much hope for its retrieval. All of this can leave you disenchanted with the criminal justice system.

Your feelings and emotions are understandable. Expressing your fears and concerns can help. Listed below are steps of precaution that may also help you feel safer.

- ◆ Lock all doors and windows (Make periodic checks of these locks just to make sure they remain locked.);
- ◆ Light the outside of your home;
- ◆ Trim shrubs and bushes;
- ◆ Install good deadbolt locks;
- ◆ Ask a neighbor to keep an eye on things;

- ◆ Make your home look occupied;
- ◆ Etch identifying numbers on valuables, such as your driver's license number (never use your social security number);
- ◆ Never open your door to a stranger;
- ◆ Use a door chain or peepholes;

Follow the steps listed in the Robbery section of this handbook if you believe that your credit cards, checks, photo identification, and/or social security number may have been taken during the burglary.

These steps will not alter the fact that you are already a victim, but can be positive steps toward regaining your sense of safety. The fact that you may not have followed these steps does not indicate that you are at fault for the burglary. The burglar chose to violate the law and break into your home. We only suggest them as positive ways of helping you feel safer in your home.

If you need assistance coping with your victimization, please consider talking to a counselor.

WHAT HAPPENS NEXT

Reporting the Crime

When you discover a crime has been committed:

- ◆ Go to a safe place;
- ◆ Do not confront the intruder;
- ◆ Remember the description, clothing, and any unusual features of the assailant or intruder;
- ◆ Contact law enforcement right away;
- ◆ Be brief and concise with the law enforcement operator.

In some crimes such as homicides and DUI crashes, it is possible that you may not report the crime yourself. However, with other criminal activities, it is likely that you will have to call your local law enforcement agency. It is very important to report the crime to law enforcement immediately.

If you have a 911 emergency system in your area, dial 911 to report a crime. The answering agency will then direct your call to the proper authorities depending on your address. If you live within a town that has a police department, the call will go to the city police department. If you live outside the city limits, your call will go to the sheriff's office.

If you live in an area where 911 is not available, you will need to call the local law enforcement agency. It is a good idea to write down the number of the police department or the sheriff's office in your area and keep it near the phone. Another alternative is to call the telephone operator (dial 0). This may take a little longer than a direct dial, but you will be put through as quickly as possible.

When you contact the police, give your name and state your problem clearly. Answer questions as fully as possible, and follow the directions you are given.

Investigating and Making the Arrest

After a crime is reported, law enforcement will complete an incident/offense report for the case. During the report, you will be asked many questions about yourself and the crime. Although some information may seem unimportant to you, it may help law enforcement officers determine and identify patterns of the same type of crime.

Alabama law requires that the local law enforcement officer who assisted you must provide you with the following information:

A list of local emergency and crisis services available;

The availability of victims' compensation benefits, and the name, address, and telephone number of the Alabama Crime Victims Compensation Commission;

The name of the law enforcement officer and telephone number of the law enforcement agency;

The procedural steps involved in criminal prosecution;

The rights of the victims, authorized by the Alabama Constitution, including a form to invoke these rights;

The existence and eligibility requirements of restitution and compensation;

A recommended procedure if the victim is threatened or intimidated;

The name and telephone number of the office of the prosecuting attorney.

Depending on the type of crime, law enforcement will collect certain physical evidence from the scene of the crime. This evidence can include fingerprints, forensic evidence, or items of property. If the crime is a sexual assault, you will be examined by medical personnel at a medical facility or a SANE/SART facility. SANE/SART programs consist of specially trained people who are highly qualified to administer forensic exams. The SANE/SART professional, doctor, and/or nurse will collect evidence from your body which can help identify the offender. These procedures may be uncomfortable, but are necessary. If you have questions, ask law enforcement or medical personnel to explain the procedure. In some areas of our state, counselors are available and will come to the medical facility or the SANE/SART facility to help you.

You may be asked to sign a warrant against the offender to assist with the prosecution of the case. In some cases the law enforcement agency can sign a warrant if you are

unable to do so. There are certain circumstances when a case is presented to the grand jury for review instead of a warrant being signed. The grand jury then decides whether the evidence is strong enough to take the case to trial.

You may be asked to go to the police station to look at photographs or “mug shots”. Identification by a victim or witness is important when a suspect is charged with a crime. Other forms of identification are in-person line-ups and informal show-ups. An informal show-up occurs when the suspect is apprehended within minutes of the crime being reported. Identification may be at the scene of the crime, in a police car, or at the police station. The person is deemed to be arrested when law enforcement, having probable cause to believe he/she committed the crime, exercises physical control over him/her.

If law enforcement has taken items of property as evidence, ask about the procedures for having them returned to you. They may be able to photograph the evidence and then release it. It is also possible that the district attorney's office may decide to release the property at a later date. However, some property must be held until trial has taken place and all appeals are exhausted. The police or district attorney's staff can help you in these areas. If you have questions, call them for assistance.

Bail

Bail is used to secure a defendant's appearance at court hearings. It is not used to punish a defendant for a crime of which he/she has not yet been convicted.

Many victims have questions regarding bail in criminal cases. It is difficult to understand why an offender can be released from jail while awaiting trial for a horrible crime. Bail is a right guaranteed by the Constitutions of the United States and the state of Alabama. However, it is your right to submit a written request to be notified of the release of the offender to the agency having custody of him/her. The sheriff, municipal jailer, and/or a detention facility may have custody of the offender. If you are in doubt, ask the local law enforcement agency that investigated your case.

A judge considers various factors in setting bail, including the defendant's age, background, family ties, relationships, reputation, health, prior record, threats made against victims and/or witnesses, and the seriousness of the crime. Some offenders are unable to post bail and must remain in jail until the time of their trial. A defendant can be held without a bond only in capital murder cases.

Sometimes a person may be released without posting bail. Typical cases involve juveniles who live with their parents and do not have prior records. The parents can guarantee his/her appearance in court.

If you are not notified of the offender's release on bond, after you submitted a written notification request, notify the district attorney. You may also contact the Attorney General and ask that he/she assert the rights to which you are entitled.

Fears and Threats

If you are harassed or threatened in any way concerning the case, contact law enforcement immediately and also notify the district attorney's office. The laws of Alabama protect you from intimidation, bribery, and harassment. You do not have to discuss the case with anyone other than law enforcement and the district attorney's office. If someone calls you and you do not feel comfortable talking to them, ask for their number and call them back to verify who they are. If you are still unsure, contact the law enforcement agency or the district attorney handling your case. If you have not been contacted by the district attorney's office and do not know who is handling your case, call the victim service officer in the district attorney's office for this information.



UNDERSTANDING the CRIMINAL JUSTICE SYSTEM

Your assistance in a criminal case is important to our criminal justice system. It cannot operate without your help.

ALABAMA'S COURT SYSTEM

As a victim of crime, you surely have many questions. Questions about how the system works, your role in the criminal justice process, your rights, and what help is available to you. Your assistance in the criminal case is important to our criminal justice system. It cannot operate effectively without your help. This section has been prepared to help you understand the criminal justice system and your role in a successful process.

After reading this section you may still have questions concerning the criminal justice system. Refer to the list of agencies and associations in the back of this handbook for more information and answers to your questions.

Types of Courts

In Alabama there are four trial courts which hear cases involving criminal offenses. They are:

- ◆ Municipal courts – hear cases involving violations of city ordinances and some misdemeanor offenses.
- ◆ District courts – hear cases involving misdemeanor offenses and also conduct preliminary hearings in felony cases.
- ◆ Circuit courts – conduct trials involving felonies and also hear appeals from municipal and district courts. This is the only court in which a jury trial is held.
- ◆ Juvenile courts – adjudicates cases involving juveniles charged with the commission of crimes.

In Alabama there is an appellate system which includes the Court of Criminal Appeals and the Alabama Supreme Court. These courts do not try cases; they simply review the actions of a lower court. More thorough information about appeals is provided in a later section of this handbook.

The primary stages of processing a criminal case are summarized in the next pages to help you understand what happens when a person is accused of a crime.

Preliminary Hearing

In a felony case your first appearance as a witness will take place at a preliminary hearing. A preliminary hearing is not a trial, but a short hearing to determine if there is reasonable cause to believe the accused committed the crime. You, as the victim, will probably be asked to tell the judge what happened. This may be the first time you have

seen the accused since the crime was committed. The arresting or investigating officer will tell the judge about the crime and the arrest. No jury will be present. If, after listening to the evidence from all parties, the judge decides that the evidence does not justify sending the accused to trial, he/she must release the accused. However, the case may still be presented to a grand jury for consideration of the facts. If the judge finds that there is reasonable cause, he/she will order the defendant to be held in custody or released on bail and refer the case to the grand jury.

In a preliminary hearing, the defense typically does not present witnesses, but will usually question the witnesses presented by the prosecution. A preliminary hearing in a felony case:

- ◆ is usually held within seventy-two hours of the arraignment (the first court appearance);
- ◆ is held to determine if there is reasonable cause to believe the defendant committed the crime;
- ◆ is held before the judge only (no jury);
- ◆ is the first formal confrontation with the defendant;
- ◆ determines whether the case should be sent to the grand jury.

Grand Jury

The grand jury is a group of eighteen citizens summoned to hear evidence about crimes which have allegedly been committed within its jurisdiction. The grand jury determines whether there is enough evidence to proceed to trial.

The grand jury proceedings are held in private. The only people allowed before the grand jury are the district attorney, the court reporter, and witnesses. You, as a victim, will not be allowed in the grand jury room either, unless you are giving testimony as a witness. The judge, defendant, and defense attorney are also not allowed to be present. In unusual circumstances, the defendant may testify. After listening to the testimony, the grand jury decides by majority vote whether to issue an indictment or a "true bill." If the grand jury decides there is not enough evidence to continue to charge the defendant, they will "no bill" the case. If a case is "no billed," the charge is dismissed and the defendant is released from custody if he/she was being held.

You may be notified by the victim service officer in the district attorney's office of the outcome of the grand jury. If it is "true billed," it will be given to the judge to set a date for the next court proceeding.

If you would like to take an active role in your case, inform the district attorney in writing of your request.

Arraignment

After an indictment is returned by the grand jury, the defendant is arraigned. This usually occurs within a week of the grand jury indictment. At this point, the district attorney reads the indictment or charge against the defendant. The defendant, through his/her attorney, enters his/her plea of guilty, not guilty, or not guilty by reason of insanity. The judge then sets the dates for the trial. As a victim and/or a witness you are not required to be present at the arraignment. After the trial date is set, you should be notified by the district attorney's office. Please remember to "invoke your rights" by mailing a written request to the district attorney (with your contact information) asking to be notified of the date and time of all proceedings.

Role of Attorneys

The district attorney represents the state of Alabama in criminal prosecutions. In municipal court, the city prosecutor represents the city in the prosecution of criminal cases. The defense attorney represents the person accused of a criminal offense. These attorneys are referred to as representing the "parties" involved in the case. Either one or both of these attorneys may want to talk to you about what you know concerning the case. You do not have to talk with the defense attorney outside of official court proceedings. However, that decision is, of course, up to you. It is recommended that you not talk with the defense attorney without the approval of the district attorney.

The Victim's Role

Usually victims have many questions during the criminal justice process. It is up to you as a victim to ask questions and get them answered to your satisfaction. It may also be up to you to ask about restitution, which is the court-ordered recovery of the financial losses you suffered as a result of the crime.

Tell the truth throughout the proceedings. Be as accurate as possible when calculating your loss estimates for the restitution affidavit the district attorney's office will ask you to complete. Be cooperative with law enforcement and the district attorney. They are doing their best to remove criminals from the streets even though you may not agree with everything you see or hear during this ordeal.

Although it is not necessary, some victims choose to hire their own attorney. The district attorney's office represents the public and therefore, your case. If you choose to hire your own attorney, it is a good idea to ask if he/she has any experience with victims of violent crime and their rights. You will be responsible for the cost of hiring a private attorney.

Motions

In almost all cases, there are pre-trial "motions" filed by the defense attorney and the prosecutor before the trial begins. Sometimes the judge allows the prosecutor and defense attorney to make their arguments regarding these motions immediately before the trial begins. Occasionally, it may be necessary to have a witness, such as yourself, testify at these motions. If you do not understand the motions (they can be quite confusing), ask the victim service officer or the prosecutor to explain them to you.

Continuances

A "continuance" is a postponement of a hearing, trial, or other proceeding until another date and/or time. If the trial of the case is continued, you will receive a new subpoena (if you are to testify) informing you of the reset date and the time you are expected to appear. Please remember to give the district attorney's office written notification that you wish to be advised of all proceedings. They are not required to notify you unless you make the written request.

Plea Bargaining

Many cases are settled without trial by negotiations between the parties. In criminal cases, the process of settlement without trial is called "plea bargaining." This is an arrangement where the accused, the defense attorney, and the prosecutor settle the case in a mutually agreed upon manner, subject to approval by the court. Plea bargaining is an accepted method of settling cases which often reduces judicial expense and time, and eliminates further appearances in court by you as a witness or victim of crime. Alabama law requires the prosecuting attorney to obtain the victim's input before accepting a plea from the defendant. However, the decision to accept or offer a plea bargain is ultimately up to the district attorney's office.

Provided that you have notified the district attorney in writing, you will be notified by a prosecutor or victim service officer if a plea is taken and the case is disposed. After a plea is taken by the judge, it cannot be recovered. If you are unhappy about the plea, you can

register a complaint with the district attorney and with the court, but the outcome will likely not change.

Preparing for Court

Before Coming to Court

- ◆ If you are going to testify about records, familiarize yourself with them before trial;
- ◆ Do not try to memorize what you will say in court, but try to recall exactly what you observed at the time of the incident.

On the Day You are Called to Court

- ◆ If you have been summoned by a subpoena, bring it to court with you. The subpoena will provide information regarding when and where to appear. Call the prosecutor handling your case or the victim service officer to make sure the case has not been postponed;
- ◆ While in the courthouse, conduct yourself in a dignified manner. The trial of a criminal case is a serious matter;
- ◆ Dress properly. Try to dress as if you were going to church. This does not mean that you have to wear a suit or buy new clothes. Dress nicely and neatly. A clean shirt and well-pressed pants will be fine unless the court or prosecutor advises you to dress differently. Do not wear jeans, shorts, t-shirts, tank tops, etc.

When You are Called to the Stand

- ◆ It is normal to feel nervous when called to the stand. However, there is no reason to be.
- ◆ When you are called to the witness stand, you will be asked to take an oath to tell the truth. Remember the seriousness of this oath during the entire time you are testifying. If you willfully fail to tell the truth while testifying, you will be subject to penalties for perjury.
- ◆ If asked if you have discussed the case with anyone, be sure to mention any times you have talked with the prosecutor, law enforcement, or any others.
- ◆ When answering questions, speak clearly and loudly enough so that you can be heard. Since the court reporter must hear your answer, do not respond to a question by shaking your head.

- ◆ If a jury will decide the case, look at them while you are answering the attorney's questions.
- ◆ Listen carefully to the questions. Before you answer, be sure you understand the question. If you do not understand the question, do not be afraid to say so.
- ◆ Do not give your personal opinion or conclusions when answering questions unless specifically asked to do so. Give only the facts as you know them, without guessing or speculating. If you do not know, say you do not know.
- ◆ If you realize you have answered a question incorrectly, ask the judge if you may be allowed to correct your mistake.
- ◆ If the judge interrupts or an attorney objects to your answer, stop answering immediately. Likewise, if an attorney objects to a question, do not begin your answer until the judge tells you to do so.
- ◆ Be polite while answering the question. Do not lose your temper with the attorney questioning you.
- ◆ You should never attempt to talk to a juror about the case or any other matter while the case is being tried. This includes chance meetings during recesses in hallways, at lunch, or any other place.

Trial Begins

In cases involving misdemeanor offenses, your first and only court appearance may be the actual trial. Misdemeanor cases are tried initially in district court before the judge and without a jury. If the defendant is found guilty, he/she may appeal to circuit court and have a new trial of his/her case before a jury, provided that a jury trial is requested. If the defendant does appeal to circuit court, you will probably be summoned to court again as a witness.

The trial of a felony case begins in the circuit court and is usually heard by a jury of twelve people who will determine the guilt or innocence of the accused. Sometimes the jury may contain an "alternate". The function of an "alternate" juror is to replace a "regular" juror who for some reason becomes unable to serve during the course of the trial. The jury makes its decision based upon evidence presented during the trial.

Trials are usually open to the public. However, in some instances, a witness may be excluded from the courtroom until after he/she has testified. This happens when "the rule" is invoked. "The rule" simply requires that witnesses not be allowed in the courtroom until after they have testified. However, as a victim, you have a right to be present in the courtroom for the trial of your alleged offender. The Courtroom Attendance Act is the law

that provides Alabama's crime victims the right to remain in the courtroom even if they are testifying. Sometimes, a defense attorney will subpoena a victim's family members and friends. This means that they will not be able to remain in the courtroom with the victim throughout the trial. A victim advocate can be a great source of support in the instance this happens to you. You may want to discuss this with the prosecutor handling your case before trial begins.

The trial of a criminal case in circuit court follows the below-listed outline:

- ◆ Opening Statements – The opening statements outline the proof to be presented to the jury. Opening statements are not evidence, only explanations by the attorneys of what each side expects the evidence to prove.
- ◆ State's Case – After the opening statements, the prosecutor presents evidence on behalf of the state. This begins with the prosecutor's direct examination of a witness. Next, the defendant's attorney may cross-examine the witness. Upon completion, the prosecutor may again question the witness. This is called re-direct examination.
- ◆ Defendant's Case – The defendant's case is presented in the same format as the state's case. The defendant may choose not to present any evidence.
- ◆ Closing Arguments – Closing arguments follow evidence presentation. Both attorneys summarize the case from their viewpoints. Closing arguments are not evidence, but summaries of the evidence presented during the trial.
- ◆ Charge to the Jury – The judge's instructions to the jury follows closing arguments. The charge instructs the jury on the issues to be decided and the rules of law that apply to the case.
- ◆ Jury Deliberation – After listening to the judge's oral charge, the jury goes to the jury room to consider the evidence and decide whether the defendant is guilty or not guilty.
- ◆ Verdict – Deliberations conclude when a unanimous verdict has been reached. The foreman of the jury records the verdict and calls for the bailiff to escort the jury to the courtroom. The verdict is then announced. Sometimes jurors cannot reach an agreement regarding the verdict in a case. This is called a “hung jury.” In Alabama, when the jury is hung, the trial judge may give them further instructions on the importance of reaching a verdict. If the court determines that the jury is hopelessly deadlocked, the judge must declare a mistrial. A mistrial means that a new trial will most likely be conducted.

Appeal from Circuit Court

If the defendant decides to appeal his/her conviction after sentencing, the judge may

release him/her on bail until the Court of Criminal Appeals makes a final ruling. If the defendant is sentenced to over twenty years, bail is not allowed. You, as the victim, are not required to appear before the appellate court as a witness.

The Attorney General represents the state of Alabama in all criminal cases appealed by defendants. After the trial, the defendant has forty-two days to give notice of the appeal to the trial court. Shortly thereafter, the case is taken up by the appropriate appellate court and the Attorney General's Office assumes the case. Alabama's Constitution provides that the victim has the right to be notified of the status of any post-conviction court review or appellate proceedings, and have the Attorney General assert any rights entitled to the victim. The appellate process is complicated and often lengthy. You must notify the Attorney General's Office of your wish to be notified of the appellate proceedings. Please send them a written request and remember to update your contact information as needed.

Terms You Need to Know

ACQUIT – To find a defendant not guilty in a criminal trial.

ACQUITTAL – A verdict in a criminal case by a judge or jury holding that the defendant is not guilty.

ADJUDICATE – To hear and resolve a case in a judicial proceeding.

AFFIDAVIT OF NON-PROSECUTION – A written statement made under oath by the victim of a crime, stating that he/she does not wish to prosecute a case.

APPEAL – A judicial proceeding in which a higher court is asked to review the decision of a lower court.

ARRAIGNMENT – A judicial proceeding in which a person is formally accused of a crime.

AUTOPSY – An examination of a body by a physician to determine the cause of death.

BAIL – An amount of money or property required by a judge to be paid or pledged to the court by the defendant or his/her representative to insure that the defendant will appear for trial or other judicial proceedings.

BAIL BONDSMAN – A person who profits by paying or pledging a bail in the amount the defendant must post with the court. The bail bondsman charges a premium, the amount of which is usually determined by the court, and is generally required to have access to sufficient collateral of the defendant or someone else to pay the bail if the defendant does not appear in court.

BURGLARY – Entry into a residence, business, building, hotel, etc., with intent to commit a crime. In some states, entry must be by force.

CAPITAL MURDER – The killing of another human being in conjunction with the commission of a crime. It also includes any other type of legislatively-prescribed killing, such as the homicide of a police officer.

CERTIORARI, WRIT of – A writ from a higher court to a lower one requesting a transcript of the proceedings of a case so that it may be reviewed.

COMMUTE –The governor lessens the sentence of the offender.

COMPLAINT – A sworn statement charging a person with a criminal offense.

CONSTITUTION OF THE STATE OF ALABAMA, 1901 – as amended, guarantees certain rights to victims of crime. (Victims’ Rights Amendment ratified 1/6/95.)

CONTEMPT OF COURT – Willful failure to obey a court order or the show of disrespect or unacceptable behavior in the presence of the court. Under Alabama law, all courts have the power to punish a person found guilty of contempt.

CONTINUANCE – When a case, originally scheduled for one date, is rescheduled for a later date.

CONVICT – To find a defendant guilty of a criminal charge.

CORONER – A public official whose principal duty is to inquire and report on the cause of death when there is reason to believe the death is not by natural causes.

CRIMINAL JUSTICE SYSTEM – A term describing the various components of criminal justice, i.e., law enforcement, prosecutor, courts, etc.

CRIMINALLY NEGLIGENT HOMICIDE – Not intentionally killing someone, but being aware of the danger and being negligent to prevent it.

CROSS-EXAMINATION – Refers to the questions that a lawyer asks of the party or witnesses for the opposing side of the case.

DEFENDANT – The person charged with a criminal offense.

DEFENSE ATTORNEY – An attorney who represents the defendant.

DEFENSE INVESTIGATOR – A person employed by a defense attorney to investigate the facts of the case.

DIRECT EXAMINATION – Refers to the questions which a lawyer asks his/her own witness.

DISMISSAL – A decision by a judge to end the prosecution of a case without determining the defendant’s guilt.

DOCKET – A calendar of cases awaiting court action on a particular day, week, month, etc.

DUE PROCESS – A constitutional provision guaranteeing an accused person a fair and impartial trial.

END OF SENTENCE (EOS) – The offender is released from prison because he/she had completed his/her sentence. This includes good time.

EVIDENCE – Any form of proof legally presented at a trial through witnesses, records, documents, etc.

EXCLUSIONARY RULE – A rule of law which states that evidence obtained by government agents in violation of the legal rights of an individual may not be introduced into evidence against the individual.

FEDERAL BUREAU OF INVESTIGATION (FBI) UNIFORM CRIME REPORT – A report listing the frequency of certain crimes reported to law enforcement by jurisdiction. Most, but not all law enforcement agencies contribute to this report. Not all crimes are listed.

FELONY – Crimes considered by the legislature to be more serious than other crimes. The sentence for a felony exceeds one year.

GOOD TIME – Credit allowed on the prison sentence which is given for satisfactory conduct in prison. It was introduced as an incentive for inmates but has practically become automatic.

GRAND JURY – A jury of inquiry. The prosecutor presents the case to the grand jury. There is no judge, defense attorney, or defendant present. The grand jury votes to indict when a majority of it believe there is probable cause that the accused committed the crime. It is an accusatory body and its function does not include a determination of guilt.

HEARSAY – Evidence based upon what the witness has heard someone else say, rather than what he/she has personally experienced.

IMPEACHMENT OF WITNESS – An attack on the credibility or truthfulness of a witness' testimony.

INDICTMENT – A document which formally accuses a person of a crime, usually a felony. An indictment must state who committed the crime, what crime was committed, approximately when it was committed, and where it was committed.

JURISDICTION – The geographical area, as defined by law (usually a state, county, city, etc.) within which a court and/or criminal justice agency has authority.

LARCENY – The taking (but usually not by force) of the property of another. A pickpocket commits a larceny; so does a burglar when he or she takes

property from your home. However, a robbery, which is the taking of property by force, is not a larceny.

LEADING QUESTION – A question asked which instructs a witness how to answer or suggests the answer desired. Such questions are prohibited on direct examination.

LITIGATION – The act of carrying on a legal contest in court.

MANSLAUGHTER – The unlawful killing of one human being by another without the intent to do injury.

MISDEMEANOR – A crime which is less serious than a felony. The maximum sentence does not exceed one year.

MISTRIAL – An erroneous or invalid trial; a trial declared defective and void due to prejudicial error in the proceeding. When a jury is unable to submit a unanimous verdict, it is commonly called a "hung jury." This also results in a mistrial.

MURDER – The intentional killing of one human being by another.

NOLLE PROSEQUI (nol-prossed) – A formal entry upon the record by the prosecuting officer in a criminal case by which he/she declares that he/she "will not further prosecute" the case. When a nolle prosequi is entered, however, this does not prohibit the district attorney from later prosecuting under another indictment.

OBJECTION – Statement by an attorney taking exception to testimony or the attempted admission of evidence.

OVERRULE – Court's denial of any motion or objection raised to the court. If an objection is overruled, the evidence or conduct objected to will be admitted for the jury's consideration. A judge will allow the question to be answered.

PAROLE – Conditional release from prison or other confinement after the offender has served only part of his/her sentence. He/she will be allowed to serve the remainder of the sentence outside of prison if he/she satisfactorily complies with all terms and conditions of the parole order.

PERSONAL RECOGNIZANCE – A promise by a person to return to court. A release on personal recognizance means that the person is released without posting any bail based upon the person's promise to return to court.

PERJURY – Criminal offense of making false statements under oath.

PETIT JURY – The ordinary jury for the trial of a civil or criminal action. The jury hears the evidence and decides the verdict.

PLEA BARGAINING – A process in which the prosecutor and defense attorney

(and sometimes the judge) reach an agreement whereby the defendant will plead guilty to a lesser number of crimes with which he/she has been charged, or to less serious crimes, in return for which he/she expects to receive a reduced sentence. Essentially, a plea bargain is in lieu of a trial.

POLYGRAPH – An instrument that records changes in the physiological process, often used as a lie detector. The results of polygraph examinations are not admissible as evidence in court.

PRELIMINARY HEARING – The hearing by a judge to determine whether a person charged with a crime should be held for trial. In a preliminary hearing a prosecutor must produce sufficient to establish that there is probable cause to believe that a crime was committed and that the defendant committed the crime.

PRE-TRIAL DIVERSION – A relatively recent system which allows certain defendants in criminal cases to be referred to community agencies prior to trial while their criminal complaints or indictments are held. If he/she successfully completes the pre-trial diversion program, the charges are usually dismissed.

PROBABLE CAUSE – Reasonable cause; having more evidence for than against. A reasonable ground for belief in certain alleged facts. An apparent state of facts found to exist upon reasonable inquiry (that is, such inquiry as the given case renders convenient and proper), which would induce a reasonably intelligent and prudent person to believe, in a criminal case, that the accused person had committed the crime charged.

PROBATION – Sentence imposed for commission of crime whereby a convicted criminal offender is released into the community under the supervision of a probation officer instead of being incarcerated.

PROSECUTOR – The attorney who represents the federal, state, or municipal government in a criminal case.

RAPE – To force a person to have sexual intercourse against their will.

RESTITUTION – A process whereby a person convicted of a crime is required to pay the victim for the financial losses the victim suffered as a result of the crime.

ROBBERY – Felonious taking of money, personal property, or any other article of value, in the possession of another, from his/her person or immediate presence, and against his/her will, and accomplished by means of force or fear.

SENTENCE – A judgment formally pronounced by the court upon the defendant after his/her conviction in a criminal prosecution.

SEXUAL ASSAULT – A category of crimes, including rape, in which a person forces another to commit a sex act against his/her will.

SODOMY – Anal or oral sexual intercourse.

SPLIT SENTENCE – A sentence explicitly requiring the convicted person to serve a period of confinement in a correctional facility followed by a period of probation.

SUBPOENA – A court order requiring a person to appear in court.

SUSPENDED SENTENCE – A court imposed sentence that allows the defendant to be placed on probation as long as he or she does not violate certain terms.

SUSTAIN – Court's acceptance of any motion or objection. If an objection is sustained, the evidence or conduct objected to will not be admitted for the jury's consideration.

TESTIMONY – Any statement made by a witness under oath in a legal proceeding.

VENIRE – A group of citizens from which a jury is selected.

VENUE – The particular county or geographical area, in which a court with jurisdiction may hear and determine a case.

VERDICT – Formal decision made by a jury, read before the court, and accepted by the judge.

VICTIM – The person against whom a crime has been committed.

VICTIM COMPENSATION – Financial assistance paid to the victim for expenses incurred as the result of violent crime victimization.

VICTIM IMPACT STATEMENT – A statement read into the record during the sentencing phase of a criminal trial to inform the court about the impact of the crime on the victim and/or victim's family.

VICTIM SERVICE OFFICER – A specialized employee within the district attorney's office who provides services and support to victims of crime.

VOIR DIRE – The preliminary examination which the court and attorneys make of prospective jurors to determine their qualification and suitability to serve as jurors.

WARRANT – A judicial order authorizing a law enforcement official to make a search, seizure, or arrest.

WITNESS – A person who testifies before a court under oath regarding what he/she has seen, heard, or otherwise observed.

SENTENCES, RESTITUTION, AND RELEASES

If a defendant is convicted of a criminal offense, the judge determines the appropriate sentence. Sentencing may take place immediately following pronouncement of the jury's verdict, or later at a separate hearing, after an investigative report is prepared. At the time of sentencing, the judge will explain the terms of the sentence to the defendant and advise him/her of his/her right to appeal the conviction.

The court shall provide you with the opportunity to give a Victim Impact Statement at the sentencing proceedings. The judge should take your concerns and that of your family into consideration when sentencing the criminal.

A jail or prison sentence may be suspended by a judge. A suspended sentence is given under certain terms and conditions that the defendant must meet. If the defendant successfully meets the terms, the sentence continues to be delayed until the end of sentence. If the defendant does not meet the conditions set forth by the judge, the original sentence ordered may be executed.

Misdemeanor sentences are up to one year in jail. Depending on the crime, felony sentences range from probation to one year and one day, to life without parole, or death. A person sentenced to prison will be under the control of the Department of Corrections. Information about an inmate's location can be obtained by contacting the Department of Corrections. The central switchboard number is 334-353-3883. You may also use the Department of Corrections' website to locate where your offender is incarcerated and also to locate released sex offenders. The website address is www.doc.alabama.gov.

An inmate may be given the opportunity to serve his/her sentence outside of prison through programs such as Work Release and Supervised Intensive Restitution (SIR). In some cases, these programs allow the inmate to pay any court-ordered restitution in a timely manner. Acceptance into these programs is usually based on the type of crime committed. Typically, all violent offenders are restricted from participating in SIR. However, many violent offenders are placed on work release programs. To find out if the inmate is in one of these programs, contact the Department of Corrections. More information on early release programs is discussed later in the handbook.

Victim Impact Statement

If a defendant is convicted of a crime, the court instructs the Board of Pardons and Paroles to conduct a pre-sentence investigation. The purpose of this investigation is to gather information that will allow the judge to impose the most appropriate punishment.

Part of this investigation includes considering the consequences suffered by the victim as noted on a Victim Impact Statement. The Board of Pardons and Paroles may send you a form to give your statement accompanied by a letter. By completing this statement, you have an opportunity to explain to the court how you have suffered as a result of the crime, and what you believe the punishment should be. Give as much information as you can on the statement.

If you did not receive a request to submit your Victim Impact Statement, you may call the probation office and give them your statement by phone. If you have any questions, contact your district attorney's office.

Fines

A fine may be imposed by the court, in addition to a definite term of imprisonment. A fine is paid to the court, not the victim, and is considered a form of punishment.

Probation

The defendant may be given probation instead of being sent to prison. Probation is usually given on less violent offenses and/or first time offenses. An offender who is on probation is supervised by a probation officer and is required to make periodic reports and appearances to the officer. The probation officer then makes reports to the judge regarding the defendant's compliance with the terms of probation. If the defendant fails to meet all requirements of his/her probation, he/she may go to prison to serve the court-ordered sentence. If you are harassed or threatened by the offender during the probation period or if the offender has not paid court-ordered restitution, you should contact the probation officer and the prosecutor for your case.

Restitution

Restitution is court-ordered reimbursement of financial losses that were incurred as a result of victimization. It includes monetary loss, property loss, medical expenses, or any other financial losses. It does not include damages for pain and suffering or mental anguish. Alabama law requires that a hearing be held to determine the amount and form of restitution in every case in which the victim has suffered loss as a result of the criminal act. Generally this hearing is part of the sentencing process if the defendant is found guilty. Payment of restitution is part of the offender's sentence and punishment for his/her crime.

If you want to recover your financial losses, you must complete a restitution affidavit. The district attorney's office will usually ask you to do this, but if they do not, ask them

about the restitution affidavit. The following instructions will help you with completing a restitution affidavit.

Instructions for Restitution Affidavit

The district attorney's office will usually provide you with a simple form to complete. If you have questions regarding the affidavit, do not hesitate to ask the Victim Service Officer. His/her job is to help you through the criminal justice process.

- ◆ Gather all bills, receipts, or estimates of damages or losses that were the result of the crime. If you are confused about whether a loss or expense was the result of the crime, think about it like this ... "Would I have had to pay for this if the crime did not happen?" If the answer is no, your claim is probably valid.
- ◆ Divide your bill, receipts, or estimates according to the seven categories listed on the restitution affidavit. These are:
 - Travel Expenses;
 - Missed Work;
 - Property Expenses;
 - Medical Expenses;
 - Funeral Expenses;
 - Psychiatric and Counseling Expenses;
 - Other Expenses.
- ◆ Add the amounts together and write the amount in the space provided.
- ◆ After you have added each category, add all the categories together and place the total in the space marked "total."
- ◆ At the bottom of the form, fill in the appropriate information.
- ◆ Take the affidavit to a notary public and have the affidavit notarized. If you do not know a notary public, contact your victim service officer or your district attorney for assistance. Your local bank may also provide a notary service.
- ◆ When you have completed and notarized the affidavit, take it and all of your bills and receipts to the district attorney's office.

If the defendant is convicted, the district attorney will submit the affidavit to the court during the sentencing or restitution hearing. The defendant will pay the restitution to the court clerk who will then pay you. Defendants do not usually pay restitution in a lump sum. Instead, payments are made on an installment basis. If the defendant is sentenced to prison, he/she normally will not pay restitution. However, when released, the defendant is

still under an obligation to make restitution. There are remedies available to you if the defendant fails to pay restitution. If the defendant is employed, you may garnish his/her wages or if he/she owns property, attach his/her assets. If you have questions about restitution, contact your district attorney's office or you may contact the restitution officer at the Alabama Crime Victims Compensation Commission at 800-541-9388 or in the Montgomery area at 334-290-4420.

Civil Suits

Although most of the issues covered by this handbook deal with criminal courts, civil law is another means of securing some measure of justice. Civil law encompasses areas such as interpreting contracts and relationships between people, determining who is at fault in accident cases, marriages and divorces, child support and custody, and much more. Criminal law, on the other hand, deals with actions that are considered violations against the peace and dignity of a state. Civil actions are brought to enforce, redress, or protect private rights.

In certain cases, you, as the injured party, may want to consider a civil suit. A civil suit, if won, may compensate a victim of crime with money for actual losses (compensatory damages) and a monetary award for the pain and suffering the victim has experienced as a result of the crime.

As you consider this type of action, you will need to contact an attorney to discuss all options available to you. The attorney will tell you if he/she thinks you have a "good case" and the costs involved.

Imprisonment

When a defendant is found guilty of a crime, he/she may be required to serve a jail or prison term for a certain length of time. A defendant found guilty of committing a misdemeanor is sent to a county or municipal jail. A defendant found guilty of committing a felony is sentenced to the state penitentiary. If the case is prosecuted in federal court, the defendant, if convicted, may be sent to a federal prison.

A defendant who was not released on bail (and therefore remained in jail during the trial period), is usually given credit on his/her sentence for the time spent in jail.

Early Release

Alabama law has established provisions that allow defendants to serve less time in prison than was actually ordered by the court. As the victim, you may disagree with these incentives and may be shocked when you discover that the defendant who victimized you is being "rewarded" through these release programs. You probably thought the sentence the judge issued was what the defendant would serve. However, "good time" and parole eligibility means that very few defendants will serve the amount of time they were ordered.

Programs designed by the Department of Corrections and based on Alabama law are used as management tools as well as a method to relieve overcrowding in prisons. Release programs allow inmates to spend time outside prison, giving them an opportunity to adjust their behavior to become compatible with the laws of the state. The programs are also used as incentives for good behavior while in prison and provide the inmate with a choice to act within the law and prison guidelines. If inmates fail to comply with these guidelines, they are removed from the program.

If your offender is imprisoned in the federal system, he/she will not be eligible for "good time" or parole. He/she will serve eighty-five percent of the time ordered by the court and will then EOS (end his/her sentence).

Work Release

Work release allows inmates nearing parole or the end of their sentence (EOS) to work outside the prison during the day, but requires them to return to the facility at night. By working within the community, the inmate earns a salary that helps pay for child support, attorney's fees, fines, and/or court-ordered restitution to victims. The inmate must also pay the Department of Corrections a small percentage of the salary for his/her maintenance. The Department of Corrections also deducts and forwards any court-ordered money to the circuit clerk in the county where the crime occurred. The clerk distributes the monies received according to the judge's orders, or by a policy established by the Administrative Office of Courts. Often, the clerk uses the inmate's money to first pay court costs and fines, then restitution.

The work release program also allows the inmate an opportunity to prove that he/she is capable of functioning in the community and establishing good work behavior. Inmates are checked randomly for drugs and alcohol upon their return to prison. If an inmate fails to pass a drug/alcohol test, he/she is removed from the program.

The Department of Corrections must notify the district attorney before granting work release. The district attorney may, or may not, notify you. If you would like to be notified before an offender is released, write the Department of Corrections to make your wishes known. The department must have your current address on file, so notify them immediately of any change in your contact information.

Supervised Intensive Restitution (SIR)

The SIR program is a Department of Corrections' program for offenders who pose minimum security risks. No inmate who has ever been convicted of murder, kidnapping in the first degree, rape in the first degree, sodomy in the first degree, arson in the first degree, selling or trafficking in controlled substances, robbery in the first degree, burglary in the first degree, sexual abuse in the first degree, or assault in the first degree, if the assault left the victim permanently disfigured or disabled, is allowed to participate in a SIR program. Inmates that do not comply with the terms of the SIR program are deemed to be "escaped". The inmate must perform a forty-hour workweek of paid, private employment, public service work program, or a combination of both. Inmates in the SIR program are required to pay their court-ordered restitution to their victims until the restitution is paid in full. The inmate pays not more than twenty-five percent of his/her weekly, gross salary to the Department of Corrections for supervision costs. The inmate is supervised by a SIR officer through random home visits, telephone calls, and face-to-face visits.

Prior to an inmate being allowed to participate in a SIR program the district attorney and sentencing judge must be given ten days' written notice of the intent to place the inmate in a SIR program. The district attorney or prosecuting attorney must then give the victim (if the victim suffered physical injury or harm) one week's notice that the inmate is to enter a SIR program. This notice will be sent to the victim's last known address, so please notify the district attorney's office of any address changes immediately.

Inmate Leave

Pre-Discretionary Leave (PDL) is for inmates that are to be released within one year of his/her end of sentence (EOS) or parole date, and living with an approved sponsor. This community custody program allows the inmate to live at home and work in the community.

A **Discretionary Furlough** is a seventy-two hour absence from the institution with an approved sponsor for the purpose of seeking suitable residence, family adjustment, education/training programs, or any other reason consistent with the best interest of the public, the inmate or the Department of Corrections.

Discretionary Leave is a thirty-six hour absence from the institution with an approved sponsor for the purpose of seeking suitable residence, family adjustment, education/training programs, or any other reason consistent with the best interest of the public, the inmate or the Department of Corrections.

A **Discretionary Pass** is a four or eight hour absence from the institution with an approved sponsor for the purpose of interviewing for prospective employment, seeking suitable residence, family adjustment, education/training programs, or any other reason consistent with the best interest of the public, the inmate or the Department of Corrections.

An **Emergency Visit (escorted)** is possible for eligible inmates under circumstances where physical custody and contact is maintained by Department of Corrections' officers or sheriff's office officials for prescribed purposes of visitation to specific locations, such as nursing homes, hospitals, and funeral homes. Visits to funeral homes shall be concluded prior to the beginning of funeral services. Escorted visits are normally one hour in duration.

An **Emergency Visit (unescorted)** is allowed only for a community custody inmate for the purpose of visiting an immediate family member in the hospital, nursing home, or to attend a funeral. These visits may last from four hours up to no more than five days.

Medical/Geriatric Release

In 2008, during the Alabama Legislature's First Special Session, the Legislature passed the Alabama Medical Furlough Act. This Act will be effective on September 1, 2008. It establishes a discretionary medical furlough for state inmates not convicted of capital or sexual offenses.

The Commissioner of the Alabama Department of Corrections has the power to determine who is a geriatric inmate, permanently incapacitated inmate, or terminally ill inmate. If the Commissioner determines that the inmate qualifies for one of the above criteria, he/she then determines the conditions of the inmate's release.

The Alabama Medical Furlough Act requires the Department of Corrections to notify the district attorney where the crime was prosecuted of the inmate's consideration for medical furlough. The Act also requires that the district attorney be given a reasonable opportunity to object.

The Act mandates that the Department of Corrections must notify the victim or victims of the crime that the inmate is to be considered for medical furlough. The law requires that the victim or victims named in the indictment be sent notice via certified mail, return receipt requested. The law makes no mention of giving the victim a reasonable opportunity to object. However, at the time of this writing the Department of Corrections has not yet published administrative regulations regarding the medical/geriatric release of inmates. Hopefully, the administrative regulations will provide victims an opportunity to object.

It is very important for victims to maintain a current mailing address with the Department of Corrections. This step will help ensure that victims receive notice of their inmates' consideration for medical/geriatric release.

Paroles/Pardons

Parole is a discretionary decision made by the three-member Alabama Board of Pardons and Paroles. The Board considers many factors in making their decision to grant parole, including the thoughts and feelings of the victim. In cases involving violence and injury, the Alabama Victim Notification Law requires that the victim be notified thirty days before the inmate is considered for parole. The victim's parole hearing notice will include the date and location of the parole hearing. You have a right to protest parole, and may do so either in writing or by appearing in person before the board.

Most often the only ones present at a parole hearing are the inmate's family and friends, the victim and his/her family, friends, and advocates. The inmate is seldom allowed at a hearing. During the hearing, you will be allowed to speak to the Board regarding the inmate's release. The Board's final decision is usually delivered before you leave the hearing room.

Inmates' parole hearings are held in Montgomery. If you have a timely filed, previously approved, crime victim's compensation claim, the Alabama Crime Victims Compensation Commission may be able assist you with out-of-town travel expenses incurred to attend the inmate's parole hearing. If you choose to protest before the Board, your district attorney and/or a Commission staff member may be able to accompany you. The Alabama Crime Victims Compensation Commission and Alabama Attorney General's office will also assist you with a parole protest. Call the Commission at 800-541-9388 or 334-290-4420 or the Attorney General's office at 800-626-7676 for more information.

Most inmates are eligible for parole after they serve one-third of their sentence. If all members of the Parole Board agree, the offender may be considered at an earlier time. If an inmate is granted parole, it is effective until the end of the sentence. During the parole period, the inmate will follow a supervised program which includes paying any court-ordered restitution.

When an inmate has completed a substantial amount of the sentence, and has successfully served parole requirements, he/she may apply for a pardon. Some pardons do not excuse the inmate of the crime, but restores the inmate's civil rights (rights to vote in state or local elections and run for public office). However, an unconditional pardon (full pardon) may be granted. This type of pardon freely and unconditionally absolves the offender of all legal consequences of the crime.

If you have any questions about pardons and paroles, call the Victim Services Unit of Alabama Board of Pardons and Paroles at 334-242-8729. The victim service officer in the district attorney's office is also available to answer questions you may have.

You will not be notified when an inmate is released from prison for a work release program. However, the sheriff and district attorney of the county where the crime was committed are notified. They can oppose a release when they have a particular interest in keeping the inmate incarcerated. In parole cases, the sheriff, district attorney, and the victim or the victim's family is notified by the Alabama Department of Pardons and Paroles. The law requires the Department of Pardons and Paroles to exercise due diligence in locating a victim. However, you must provide the department with written notice that you wish to be notified. Please remember to update your address promptly when it changes. If the victim is not present at the hearing, the inmate most likely has a better chance of being paroled.



HELP
IS
AVAILABLE

The Alabama Crime Victims' Compensation Commission provides compassion and financial assistance to Alabama's innocent victims of violent crime.



THE ALABAMA CRIME VICTIMS' COMPENSATION COMMISSION

P.O. Box 231267

MONTGOMERY, ALABAMA 36123-1267

OFFICE: 334-290-4420

FAX: 334-290-4455

VICTIMS TOLL-FREE LINE: 800-541-9388

www.acvcc.alabama.gov

ALABAMA CRIME VICTIMS COMPENSATION COMMISSION (ACVCC)

It is the mission of the Alabama Crime Victims' Compensation Commission to provide timely and efficient assistance to innocent victims of violent crime in a confidential manner. The Commission primarily offers this assistance by providing eligible victims of violent crime with financial assistance for qualified expenses, while always being mindful that crime victims have the right to be treated with fairness, compassion, and respect. The Commission also works in conjunction with others in the victim service community to advocate for victims' rights and other related issues.

The Alabama Crime Victims Compensation Commission (ACVCC) was created by an act of the Alabama Legislature in 1984. It is a state of Alabama agency located in Montgomery. The Commission was established to provide financial aid to victims of violent crime. The ACVCC provides the only substantial financial relief to crime victims and their families by providing compensation for eligible expenses not paid by another source. The maximum payment with certain limitations for subcategories is fifteen thousand dollars.

The Commissioners and staff of the ACVCC know firsthand the trauma of violent crime victimization. Two members of the Commission have both lost children due to violent crime victimization. Staff members have also experienced the devastation and pain of violent crime.

If you are a victim of violent crime, a dependent of a victim who died as a result of violent crime, or a person legally authorized to act on behalf of a victim or dependent (such as a legal guardian, or person having power of attorney for the victim) you may be eligible for crime victims' compensation benefits. It is easy to apply and the Commission staff is committed to providing you timely, compassionate assistance. You may obtain an application by calling the Commission and requesting that an application be mailed to you, by picking one up at your local district attorney's office, or if you have internet access and a printer, online at www.acvcc.alabama.gov.

Eligibility Requirements

The following requirements must be met in order to be eligible for compensation benefits:

- ◆ The crime was reported to law enforcement within seventy-two hours; unless good cause can be shown for not doing so. Good cause must be submitted in writing.

- ◆ The claim is filed within one year of the date of the incident; unless good cause can be shown for not doing so. Good cause must be submitted in writing.
- ◆ The victim suffered serious personal injury or death as a result of a criminal act.
- ◆ The victim cooperated with law enforcement officials, the prosecutor's office, the courts, and the Commission.
- ◆ The victim was not engaged in illegal activity (i.e. drug activity) or was not in an illegal place of business (i.e. shot house) at the time of the incident.
- ◆ The victim did not provoke, incite, or willingly take part in the incident.
- ◆ The victim was not convicted of a felony and/or did not perpetrate criminally injurious conduct after applying for compensation.
- ◆ The victim did not contribute to the victimization in any way.
- ◆ The victim's presence in the United States of America was lawful.
- ◆ Claimants/victims who are certified by federal authorities as victims of human trafficking shall be eligible for compensation benefits. Victims of domestic violence who were illegal at the time of the victimization may also qualify for compensation benefits.

Compensation Benefits

The maximum award is \$15,000 with limitations for certain expenses. Compensation shall not be awarded if the award would unjustly benefit the offender or accomplice of the offender. The Commission *does not* provide compensation for pain and suffering.

Compensation may be awarded for the following:

- ◆ Medical expenses directly related to the victimization; compensation for medical expenses may be subject to reimbursement at a reduced rate;
- ◆ Counseling sessions directly related to the victimization; the maximum award for this category is \$6,250, or 50 sessions; in exigent circumstances the Commission may approve related counseling sessions for an amount above \$6,250, but not to exceed \$8,000;
- ◆ Lost wages due to the crime; the maximum award for this category is \$400 per week for twenty-six weeks;
- ◆ Future economic losses; the maximum award for this category is \$5,000; however an award for a combination of lost wages and future economic loss shall not exceed \$10,400;
- ◆ Funeral, cremation, and burial expenses; the maximum award for this category is \$5,000;
- ◆ Rehabilitation of the victim;

- ◆ Replacement services; the maximum award for this category is \$1,500;
- ◆ Travel expenses for trial attendance, if not subpoenaed as a witness; for out-of-town travel to procure necessary and related medical and psychiatric care; for out-of-town travel to attend offender's parole hearing;
- ◆ Moving expenses; the maximum award for this category is \$1,000;
- ◆ Property expenses; the maximum award for this category is \$1,000 for damaged property and \$500 for damaged clothing; the Commission does not provide compensation for stolen property, damaged automobiles, insurance deductibles, or cash/checks.;
- ◆ Guardianship expenses; in some instances, the Commission may award compensation for legal fees, not to exceed \$500, incurred by the claimant for obtaining legal guardianship of a minor and/or disabled victim; (The Commission will not provide reimbursement in instances where the claimant is not awarded guardianship of the victim.)

Emergency Awards

The Commission may also make an emergency award of up to \$1,000 to qualified claimants when it appears that undue hardship will result to the victim/claimant if immediate payment is not made. The Commission may consider undue hardship to exist in the following circumstances:

- ◆ The applicant is without income at the time of application or immediately prior thereto resulting in loss of food, heat, or shelter;
- ◆ The applicant is in fear or danger for his/her life due to his/her victimization;
- ◆ The applicant cannot receive emergency services without emergency payment;
- ◆ Crime scene clean-up shall be considered an emergency service. (The maximum award for crime scene clean-up is \$500.)

The claim application has a section for emergency award information. Please complete this section of the application if you believe your situation meets one or more of the criteria listed above. Also, please supply any documentation that supports your request for an emergency award. This will assist the Commission in processing your request as quickly as possible. An emergency award will be deducted from the final compensation award made to the claimant.

Payment for Sexual Assault Examinations

In July of 1995, the law regulating compensation eligibility was amended to allow medical providers to submit bills for the charges of medical examinations performed for

the purpose of gathering evidence and treatment for preventing venereal diseases in sexual assault crimes. This step was taken to prevent the victim from suffering further trauma when asked to pay for the gathering of criminal evidence.

Collateral Sources

The Commission pays only those expenses which are not covered by another collateral source such as insurance, workman's compensation, etc.

Subrogation

If the victim/claimant recovers compensation for his/her financial losses from another source, he/she must repay the Commission for the compensation it has paid. This is called subrogation.

The ACVCC is Here to Help

If you have questions concerning eligibility for your particular situation, please call the ACVCC. When you file a claim, fill it out completely and send in copies of all bills directly related to the crime. If you have a copy of the incident/offense report, please send that to the Commission as well. After your claim is received, you will be notified by mail. If additional information is requested for your claim, please respond promptly to ensure your claim is processed as quickly as possible. After an investigation by a crime victim specialist, your compensation claim will be presented to the three-member Commission or Executive Director (if the compensation requested is less than \$2,000) for decision. You will be notified by mail of the Commission's decision.

The ACVCC is here to assist you with the devastating financial effects of violent crime victimization. We also care about your well-being and want to help you cope with your experience.

HELPING YOURSELF

As the victim of a crime, or a family member of a victim, you might be hesitant to seek the outside help of a professional counselor. Do not be afraid. You could benefit from the advice of a trained and sympathetic counselor. He or she can give you helpful suggestions on how to work through and cope with your fears and anxieties. Getting help is a positive step toward reducing emotional pain. If you do not know of a good counselor, contact your medical doctor for a recommendation, or your victim service officer in the local district attorney's office.

Confronting Reality

Violent crime victimization is extremely traumatic. The intense stress caused by victimization produces a crisis reaction that leaves victims feeling so shattered they cannot function the way they did before the crime. Knowing some of the common reactions to victimization should help you realize that you are not alone, and are not going crazy!

Crime victims in crisis can suffer from a wide range of difficulties. They may become physically ill, unable to sleep, and/or unable to concentrate.

The steps toward recovery are small, but necessary:

- ◆ Try to confront the reality of what has happened to you and how you feel about it.
- ◆ Do not feel pressured to apologize for feeling angry, anxious, or isolated from friends and coworkers.
- ◆ Rest and relax as much as possible to avoid physical illness. You will find yourself able to cope better if you sleep. Sleeplessness is a symptom of victimization. It will take great effort on your part to work through this crisis reaction. Do not be afraid to seek the assistance of a professional if you are struggling with this reaction. Speak to your doctor about your sleeplessness.
- ◆ Reduce your sense of isolation. Talk to understanding friends who are interested in your well-being, who are good listeners, optimistic, honest, and willing to share their knowledge and experience.

Learning to Relax

Take a daydream vacation:

- ◆ Decide where you want to go;
- ◆ Prepare for your trip by reading up on the location;
- ◆ Turn on soft music;
- ◆ Sit back in a comfortable place;
- ◆ Breathe deeply for a minute or two and relax.

Just a few moments of a fantasy vacation can help alleviate anxiety and stress. Try “Sigh” therapy:

- ◆ Simple breathing exercises can often help overcome stress;

- ◆ Take a deep breath; hold it for a count of ten, then exhale and sigh, letting your breath out all at once;
- ◆ Allow your body to go completely loose and limp and repeat until you feel more relaxed.

Whenever possible, surround yourself with positive, well-adjusted people. Accentuate the positive in your life. Look at what you have left – not what you have lost. Reminisce about happy times and relive happy memories. Think of difficult times in your past, and try to draw from the strengths that worked for you then.

Tackle your problems instead of running from them. Set realistic goals and learn to rely on yourself. Take control and seek all the facts about your case. Ask questions. Ask for assistance if you need it. Keep a diary as a way to release some feelings about the crime's impact. Writing down your feelings may help lessen tension.

Exercising

One of the best exercises is walking. Morning or evening, a brisk walk gives you endurance and generates a sense of well-being. Walking with a family member or friend can give you a sense of security while making your walk more comfortable. If you are not comfortable with walking outdoors, consider purchasing a treadmill. Many people find that they can enjoy their favorite television programs, books, or music while walking on a treadmill.

Joining an exercise or aerobics class will also help you feel better and it will get you out of the house and involved with other people. Additionally, it may help take your mind off problems for a while.

Check with your doctor before beginning any exercise program. Remember moderation is important – do not overdo it!

Reducing Stress

Dr. Jay Segal, Director of Temple University's Stress Research Laboratory, declares that to reduce stress in your life, you must conquer five attitudes:

- ◆ Fear – Face it step by step;
- ◆ Vulnerability – Take control of your life;

- ◆ Being too demanding – Eliminate unnecessary demands and expectations, and change your demands to preferences. Be realistic towards yourself and others;
- ◆ Being too judgmental – Think positive;
- ◆ Being too pessimistic – Think about all your past worries that were groundless.

Take one step at a time. The road to recovery is long and challenging. You may need assistance. Change does not happen all at once. You will need patience, discipline, humor, and energy. As a survivor, your emotional injury will leave scars. Nothing will be quite the same again. The pain will never go away, but you will learn to live with it. Life will get better! Do not give up!



CONCLUSION

As just and humane people, Americans should support rights for those victimized by crime with the same pride we derive from providing protection to those accused of crime.

RIGHTS FOR VICTIMS AND WITNESSES

As just and humane people, Americans should support rights for those victimized by crime with the same pride we derive from providing protection to those accused of crime. Rights which are designed to reduce the hardships and losses that many victims suffer are as important to the distribution of justice as rights which ensure fair and equal treatment of all citizens.

VICTIMS' RIGHTS should be honored and protected by law enforcement, prosecutors, judges, and all others involved to the same extent as afforded the rights of criminal defendants.

Constitutional Amendment

Crime victims, as defined by law, or their lawful representative, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when authorized, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the person accused of committing the crime. Amendment No. 557, Constitution of Alabama, 1901 (ratified January 6, 1995).

Victim's Bill of Rights

Sections 15-23-60 through 15-23-84 of the Code of Alabama (1995), define certain rights granted to victims of crime. The following is a summary of those rights.

Within Seventy-Two Hours After You File a Crime Report, the Local Law Enforcement Officer Who Assists You Shall Provide You:

- ◆ A list of local emergency and crisis services;
- ◆ The name and phone number of the officer and the agency handling your report;
- ◆ The name and phone number of the prosecuting attorney;
- ◆ The procedural steps in a criminal prosecution;
- ◆ The availability of victims compensation benefits;
- ◆ A listing of your rights as a victim, including a form to ensure you are given your rights;
- ◆ The existence and eligibility requirements of restitution and compensation; and
- ◆ A recommended procedure if you are subject to threats or intimidation as a victim.

The Victim's Role

As defined by law, the victim and/or family members of the victim have the constitutional right to be informed, to be present, and to be heard at all crucial stages of criminal proceedings. Please remember that most of the rights listed below must be “invoked”. This means that you must give written notice to the appropriate agency that you are exercising your rights. You must notify the district attorney’s office that prosecuted the case, the Alabama Attorney General’s office, the Department of Corrections, and the Alabama Board of Pardons and Paroles of your current mailing address. The contact information for these agencies is listed in the back of this handbook.

You Have or May Request the Right to:

- ◆ Notification of all criminal proceedings and charges filed against the defendant, excluding the initial appearance, and the right to be present at all proceedings;
- ◆ Necessary information regarding the appropriate agencies from which you may request information;
- ◆ An explanation of the pre-sentence report and the right to make a written or oral statement to the probation officer, and a right to review the pre-sentence report;
- ◆ Be notified of the time and place of any sentencing hearing and to make a written or oral statement, or present any information at a sentencing proceeding or any proceeding as authorized by law;
- ◆ Information regarding the return of any property taken;
- ◆ Be provided the date of conviction, acquittal, or dismissal of charges against the sentence imposed;
- ◆ Refuse an interview or other communication with the defendant, his attorney or anyone acting on his/her behalf;
- ◆ The status and results of any post conviction appeal;
- ◆ Be provided a waiting area separate from the defendant, his/her relatives, and defense witnesses if available and practical;
- ◆ Submit a statement to be entered into the inmate's prison record;
- ◆ Be notified of release on bond, from prison, escape, re-arrest, or death of prisoner;
- ◆ Information regarding collection of restitution;
- ◆ Any release opinion by the Alabama Department of Mental Health;
- ◆ Be notified of any pardon or parole hearings and the right to be present at such hearings.

Helpful Tips:

- ◆ **INVOKE YOUR RIGHTS** by providing and maintaining to the office of the prosecuting attorney a written request to be notified throughout the trial process;
- ◆ Cooperate fully;
- ◆ Ask questions; Get the facts;
- ◆ Notify in writing all parties in the criminal justice system to which notice should be provided;
- ◆ Keep a journal; including a list of the dates, time, and people with whom you have spoken and have provided written notice;
- ◆ Ask for assistance; and
- ◆ Be patient, but persistent.

Conclusion

As a result of the combined efforts of victims, their families, friends, and many other concerned citizens and organizations, more is being done for victims of crime than ever before. Change has become a reality for many victims, who in the early 1980s received little in the form of emotional, physical, or financial support. The Alabama Crime Victims Compensation Commission, along with other organizations, is dedicated to supporting crime victims and advocating positive change for them.

The process of change has not been easy, but slow, arduous, and many times seemingly impossible. There is still much to accomplish in the effort to protect and support victims of crime. The myth that crime is something that "can't happen to us" can no longer be perpetuated. Each of us must realize our part in preventing crime and helping those who become victims. Through your involvement in the prosecution of the criminal, you can make your community a safer one in which to live and work. It takes patience and commitment from yourself and others for the criminal justice system to work. Protecting your rights includes learning about the trial process, and invoking your rights to remain informed during the various stages of criminal proceedings.

With the continued efforts of legislators, judges, district attorneys, their staffs, and numerous other agencies and organizations, the scales of justice may be brought into balance for all citizens, including those affected by crime.

We would like to take this opportunity to recognize the countless hours and tremendous efforts of dedicated professionals, concerned citizens organizations, and

victims themselves in helping forward the cause for victim support. THANK YOU for all you have done, and continue to do every day for Alabama's crime victims. We can truly say there is HOPE, because of dedicated people like you – Hope for a better tomorrow, not only for crime victims and their families, but for all Alabama citizens.

BOOKS TO READ

By Silence Betrayed: Sexual Abuse of Children in America. Author John Crewdson.
Published by Little Brown & Co. 1988. ISBN: 978-0316160940

Battered Women as Survivors: An Alternative to Treating Learned Helplessness. Author Edward W. Gondolf with Ellen R. Fisher. Published by Lexington Books 1998.
ISBN: 978-0669181661

Abuse and Religion: When Praying Isn't Enough. Edited by Anne Horton and Judith Williamson. Published by Lexington Books 1998. ISBN: 978-0669153378

Crime and Human Nature: The Definitive Study of the Causes of Crime . Authors James Wilson and Richard Herrnstein, Published by Free Press 1998. ISBN: 978-0684852669

Crime and Its Victim. Author Daniel Van Ness. Published by IVP Books 1986.
ISBN: 978-0877845126

Beyond Survival . Author Theresa Saldana. Published by Bantam Books 1987.
ISBN: 978-0553265170

Violence in the Black Family: Correlates and Consequences . Author Robert Hampton.
Published by Lexington Books 1987. ISBN: 978-0669145847

The PTSD Workbook: Simple, Effective Techniques for Overcoming Traumatic Stress Symptoms Authors Mary Beth Williams and Soili Poijula. Published by New Harbinger Pubns Inc. 2002. ISBN: 978-1572242821

No Time for Goodbyes: Coping with Sorrow, Anger, and Injustice After a Tragic Death. Author Janice Harris Lord. Published by Compassion Press 2006.
ISBN: 978-1878321305

Nursery Crimes: Sexual Abuse in Day Care. Authors David Finklehor and Linda Williams.
Published by Sage Publications, Inc. 1988. ISBN: 978-0803934009

When Your Child Has Been Molested: A parents' Guide to Healing and Recovery. Author Kathryn Brohl with Joyce Case Potter. Published by Jossey-Bass 2004.
ISBN: 978-0787971038

Spiders and Flies: Help for Parents and Teachers of Sexually Abused Children. Author Donald Hillman. Published by Lexington Books 1980. ISBN: 978-0669179835

Beyond Sympathy: What to Say and Do for Someone Suffering an Injury, Illness or Loss. Author Janice Harris Lord. Published by Pathfinder Publishing of California 1989.
ISBN: 978-0934793216

His Name is Ron. Authors William and Marilyn Hoffer and the Ron Goldman Family.
Published by Avon 1997. ISBN: 978-0380731244

Tears of Rage. Author John Walsh. Published by Pocket Books 2008.
ISBN: 978-1439136348

BIBLIOGRAPHY

Barkas, Janet. Victims. Scribner 1978.

Brownmiller, Susan. Against Our Will: Men Women, and Rape. The Ballantine Publishing Group 1975.

Burgess, Ann Wolbert, and A. Nicholas Groth, and Lynda Lytle Holmstrom, and Suzanne M. Sgrop. Sexual Assault of Children and Adolescents. Lexington Books 1978.

Clarke, Rita-Lou. Pastoral Care of Battered Women. Westminster John Knox Press, 1986.

Federal Trade Commission. "Lost/Stolen Wallet or Purse." 15 January 2008
<<http://www.ftc.gov>>.

Galaway, Burton. Perspectives on Crime Victims. C.V. Mosby Company 1981.

Hyde, Margaret O. The Rights of the Victim. Franklin Watts 1983.

Joyce, Irma. Never Talk to Strangers. Western Publishing Co. Golden Books 1967.

Kennedy, Eugene. Crisis Counseling: The Essential Guide for Nonprofessional Counselors. Continuum International Publishing Group Ltd. 1981.

Kinder, Gary. Victim: The Other Side of Murder. Delacorte Press 1982.

Kushner, Harold S. When Bad Things Happen to Good People. Schocken Books 1981.

LeShan, Eda J. Learning to Say Goodbye. Avon Books 1976.

Maslach, Christina. Burnout: The Cost of Caring. A Spectrum Book 1982.

Morris, Judge James E. Victim Aftershock. Franklin Watts 1983.

Redmond, Lula M. Surviving When Someone You Love Was Murdered. Psychological Consultation & Education Service 1989.

Sanford, Linda Tschirhart. The Silent Children: A Book for Parents About the Prevention of Child Sexual Abuse. Anchor Press/Doubleday 1980.

Schreiber, Flora Reba. The Shoemaker: The Anatomy of a Psychotic. Simon & Schuster 1983.

Victim Assistance Unit. "Dealing with the Death of a Loved One." Denver Police Department. 26 Nov. 2007 <<http://www.denvergov.org>>.

"Victims of Crime Fight Back at Last." Life April 1984.

Where You Can Find Help

Local Resources

Alabama Crime Victims Compensation Commission

P.O. Box 231267
Montgomery, AL 36123-1267
Office: 334-290-4420
Victims' line: 800-541-9388
fax: 334-290-4455
www.acvcc.alabama.gov

Alabama Attorney General's Office of Victim Assistance

11 South Union Street
Montgomery, AL 36130
334-242-7300
800-626-7676
www.ago.alabama.gov

VOCAL -Victims of Crime and Leniency

P. O. Box 4449
Montgomery, AL 36104
334-262-7197
800-239-2319

Alabama Coalition Against Domestic Violence

P.O. Box 4762
Montgomery, AL 36101
334-832-4842
800-650-6522
www.acadv.org

MADD - Mothers Against Drunk Driving

Alabama State Office
2101 Eastern Blvd.
Montgomery, AL 36117
Office: 334-277-7722
Victims' Hotline: 800-635-0722
fax: 334-277-8228

Department of Corrections

Deputy Commissioner's Office
P.O. Box 301501
Montgomery, AL. 36130-1501
334-353-3883

Alabama Board of Pardons & Paroles Victim Assistance Unit

301 South Ripley Street
PO Box 302405
Montgomery, Al 36130-2405
334-353-7384
fax: 334-353-8162
www.pardons.state.al.us

Alabama District Attorney's Association and Victim Service Officer Association

P.O. Box 4780
515 South Perry Street
Montgomery, AL 36103-4780
334-242-4191

National Children's Advocacy Center

210 Pratt Avenue
Huntsville, AL 35801
256-533-5437
Fax: 256-534-6883
www.nationalcac.org

Child Protect

935 South Perry Street
Montgomery, AL 36104
334-262-1220
Fax: 334-262-2252
www.childprotect.org

Alabama Department of Human Resources

Family & Children Services
50 Ripley Street
Montgomery, AL 36130
334-242-9500

National Resources

Compassionate Friends

P. O. Box 3696
Oak Brook, IL 60522-3696
877-969-0010
630-990-0010
fax: 630-990-0246
www.compassionatefriends.org

National Center for Missing & Exploited Children

Charles B. Wang International Children's Building
699 Prince Street
Alexandria, Virginia 22314-3175
703-274-3900
fax: 703-274-2200
24-hour Hotline: 800-843-5678
www.missingkids.com

Child Welfare Information Gateway

Children's Bureau/ACYF
1250 Maryland Avenue, SW
Eighth Floor
Washington, DC 20024
800-394-3366
703-385-7565
www.childwelfare.gov

Prevent Child Abuse America

500 North Michigan Avenue
Suite 200
Chicago, IL 60611
312-663-3520
fax: 312-939-8962
www.preventchildabuse.org

National Organization for Victim Assistance

Courthouse Square
510 King Street, Suite 424
Alexandria, VA 22314
703-535-NOVA
fax: 703-535-5500
www.trynova.org

The National Center for Victims of Crime

2000 M Street NW, Suite 480
Washington, D.C. 20036
202-467-8700
fax: 202-467-8701
www.ncvc.org

Office for Victims of Crime OVC Resource Center National Criminal Justice Reference Service

P.O. Box 6000
Rockville, MD 20849-6000
800-851-3420
fax: 301-519-5212
TTY: 877-712-9279
www.ncjrs.gov

Parents of Murdered Children

100 East Eighth Street, Suite 202
Cincinnati, Ohio 45202
513-721-5683
888-818-POMC
www.pomc.com

National Resource Center on Domestic Violence

6400 Flank Drive, Suite 1300
Harrisburg, PA 17112
800-537-2238
TTY: 800-553-2508
fax: 717-545-9456
www.nrcvd.org

National Association of Counsel for Children

1825 Marion Street, Suite 242
Denver, CO 80218
888-828-NACC
www.nacchildlaw.org

National Crime Victims Law Institute

Lewis & Clark Law School
10015 S.W. Terwilliger Boulevard
Portland, Oregon 97219-7799
503-768-6600
www.ncvli.org